

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2020-275-S ORDER NO. 2021-61

JANUARY 29, 2021

IN RE: Application of Condor Environmental,)	ORDER GRANTING
Incorporated Requesting an Expansion of Its)	MOTION TO AMEND
Existing Sewer Service Area to Include)	APPLICATION
Certain Portions of Anderson County and)	
Approval of Agreement)	

This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the Motion to Amend Application filed by Condor Environmental, Inc. (“Condor” or “the Company”), pursuant to S.C. Code Ann. Reg. 103-828. The ground for said Motion is that Condor has terminated its contract to provide sewer service to the Palmetto Pointe subdivision in Saluda County. The Company asserts that it no longer requests permission to expand its service territory in that location. Condor still requests permission to serve the Carriage Hill subdivision in Anderson County, and notes that the Amended Application changes the caption to omit the previous reference to Saluda County.

In general, the rule governing amendment of pleadings strongly favors amendments, and the court (or in this case, the tribunal) is encouraged to freely grant leave to amend. See *Parker v. Spartanburg Sanitary Sewer District*, 362 S.C. 276, 607 S.E. 2d 711 (Ct. App. 2005). Under the circumstances before this Commission, amendment of the Application is very reasonable. Condor states that it has terminated a contract to provide sewer service in Saluda County and no longer seeks approval to expand its sewer service

to that location. The request for permission to serve the Saluda County location was part of a prior Application that also sought permission for Condor to provide sewer service in Anderson County. Amendment of the Application to remove references to service of the location in Saluda County is appropriate under the circumstances.

Based on this reasoning, the Motion to Amend Application is granted. Condor may continue to pursue permission to provide sewer service in Anderson County, pursuant to the Amended Application. This Commission would observe that the caption on the proposed Amended Application received by this Commission has removed any reference to Saluda County. The removal of the Saluda County reference in the caption of the amended Application was ordered in our directive in this matter. In any case, we hereby direct the Clerk's Office to set a hearing date on the merits of the Amended Application.

This Order shall remain in full force and effect until further order of the Commission.



IN ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina